

HOUSE BILL REPORT

HB 3163

As Reported by House Committee On: Local Government

Title: An act relating to the role of fire protection districts and water-sewer districts in growth management planning.

Brief Description: Including special districts in growth management planning.

Sponsors: Representatives Simpson, Schindler, Chase and Upthegrove.

Brief History:

Committee Activity:

Local Government: 2/1/06, 2/2/06 [DPS].

Brief Summary of Substitute Bill

- Requires counties fully planning under the Growth Management Act to work with fire districts and water-sewer districts within the county to identify areas of shared need for public facilities.
- Requires counties adopting or amending a county-wide planning policy (CPP) after August 1, 2006, to invite fire districts and water-sewer districts within the county to participate in discussions pertaining to certain district provisions or policies that are included within a proposed or amended CPP.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Simpson, Chair; Clibborn, Vice Chair; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan, Takko and Woods.

Staff: Ethan Moreno (786-7386).

Background:

Growth Management Act

Enacted in 1990 and 1991, the GMA establishes a comprehensive land use planning framework for county and city governments in Washington. The GMA specifies numerous provisions for jurisdictions fully planning under the GMA (planning jurisdictions) and establishes a reduced number of compliance requirements for all local governments.

Planning jurisdictions must adopt internally consistent comprehensive land use plans (comprehensive plans), which are generalized, coordinated land use policy statements of the governing body. Planning jurisdictions must also adopt development regulations that are consistent with and implement the comprehensive plan.

The legislative authority of a county fully planning under the GMA (GMA county) must adopt a county-wide planning policy (CPP) in cooperation with the cities located wholly or partially within the county. A CPP is a written policy statement or statements used solely for establishing a county-wide framework from which county and city comprehensive plans are developed and adopted.

A CPP must address certain planning and analysis provisions, including:

- policies to implement urban growth area requirements;
- policies that consider the need for affordable housing; and
- policies for county-wide economic development and employment.

The collaborative process providing for the adoption of CPPs must include county-convened meeting with representatives of cities located within the county. Failure to adopt a CPP in conformity with statutory requirements may result in the imposition of sanctions on a county or a city within the county by the Governor.

Planning jurisdictions must identify lands useful for public purposes, such as utility corridors, sewage treatment facilities, and other public uses. Counties fully planning under the GMA must also work with the state and the cities within their borders to identify areas of shared need for public facilities. The jurisdictions within these planning counties must prepare a prioritized list of lands necessary for the identified public uses and an estimated date by which the acquisition will be needed. Additionally, the capital acquisition budgets for each jurisdiction must reflect the jointly agreed upon priorities and time schedule.

Fire Protection Districts

Fire protection districts are generally charged with providing fire prevention, suppression, and emergency medical services to protect life and property within jurisdictional boundaries.

Water-Sewer Districts

Water-sewer districts (districts) are authorized by statute to purchase, construct, maintain, and supply waterworks to furnish an ample supply of water to inhabitants within and outside the district. Similarly, districts may also construct, condemn and purchase, add to, maintain, and operate systems of sewers to furnish inhabitants within and outside the district with an adequate system of sewers for all uses and purposes.

Summary of Substitute Bill:

The GMA consultation provisions pertaining to identifying lands useful for public purposes are modified. Counties fully planning under the GMA satisfying the requirements to work with governmental entities to identify areas of shared need for public facilities must, in

addition to working with the state and qualifying cities, work with fire districts and water-sewer districts within their borders.

A new consultation requirement for county-wide planning policies (CPPs) is established. A county adopting or amending a CPP after August 1, 2006, must invite fire districts and water-sewer districts within the county to participate in discussions pertaining to service provision issues or policies of these districts that are included in a proposed or amended CPP.

Substitute Bill Compared to Original Bill:

Amendatory provisions adding or modifying definitions within the GMA are deleted. Modifications to urban growth area and new fully contained community requirements are deleted. The provision obligating counties fully planning under the GMA to work with special districts within their borders to identify areas of shared need for public facilities is modified to require these counties to work with fire districts and water-sewer districts within their borders. All amendatory references to "special districts," including consultation and appeal rights, are deleted from CPP provisions, except as otherwise provided. A new CPP consultation requirement, obligating qualifying counties to invite fire districts and water-sewer districts to participate in certain CPP discussions, is included.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Original bill) Special districts should be included in local government planning activities to ensure that they are sufficiently involved in implementing the GMA. Past problems have occurred and special districts have not always been consulted with in planning actions. A development moratorium pertaining to water provisions is an example of what can happen without sufficient water planning. Special districts and local governments have shared needs: this bill is asking counties to consult with special districts. The original version of the GMA, as adopted by the Legislature, included requirements for special districts that were subsequently vetoed. Special districts are providers of urban services and the plans of these districts must be approved by local governments. Fire protection services are provided in rural and urban areas. This bill is asking fire districts to be consulted with and is asking for a right-of-appeal. The consultation provisions, however, do not grant a vote in the consultation process.

Testimony Against: (Original bill) Current planning requirements are sufficient: special districts have not been claiming that existing CPPs are insufficient. Cities are not aware of a lack of sufficient planning coordination between cities and special districts. This bill is more complex than it appears: it may grant a new legal status to special districts. Regarding the identification of lands for public purposes provision, the proposed language shifts the current

legal focus and causes one to wonder why other entities aren't also included. This bill complicates an already complicated process.

Persons Testifying: (In support of original bill) Representative Simpson, prime sponsor; Steve Lindstrom, Sno-King Water District Coalition; Joe Daniels, Washington Association of Sewer/Water Districts; and Roger Ferris, Washington Fire Commissioners Association.

(Opposed to original bill) Eric Johnson, Washington Association of Counties; and Dave Williams, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying: None.